

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PARALLEL IRON, LLC,

Plaintiff,

v.

MORGAN STANLEY,

Defendant.

)

) C.A. No. 12-878-RGA

)

) **JURY TRIAL DEMANDED**

)

) **PUBLIC VERSION**

)

)

)

DEFENDANT MORGAN STANLEY'S MOTION TO STAY

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Dated: June 17, 2013

Public Version Dated: June 27, 2013

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Defendant Morgan Stanley (“Morgan Stanley”) hereby moves to stay this case pending the final resolution of Parallel Iron, LLC’s (“Parallel Iron”) claims against Cloudera, Inc. (“Cloudera”) in C.A. No. 13-443-RGA. The grounds for this motion are set forth in Defendants’ Motion to Stay the Claims Against the Customer Defendants in *Parallel Iron, LLC v. Cloudera, Inc., et al.*, C.A. No. 13-443-RGA (D.I. 21-22).

In C.A. No. 13-443-RGA, Parallel Iron filed suit against Cloudera and eleven of Cloudera’s customers (“the Customer Defendants”). (C.A. No. 13-443-RGA; D.I. 1.) Parallel Iron’s Complaint in C.A. No. 13-443-RGA alleges that the Customer Defendants infringe U.S. Patent Nos. 7,197,662, 7,958,388, and 7,543,177 by “making, using, importing, offering for sale and/or selling” Cloudera’s software containing the Hadoop Distributed File System (“HDFS”). (C.A. No. 13-443-RGA; D.I. 1 at ¶¶ 24, 29, and 34.) Because the Customer Defendants simply purchase and use the allegedly infringing software provided by Cloudera (C.A. No. 13-443, D.I. 22 at 4), they moved to stay the claims against them pending the resolution of Parallel Iron’s claims against Cloudera.

Morgan Stanley is in the same position as the Customer Defendants. Parallel Iron has alleged in its Complaint that Morgan Stanley has infringed the patents-in-suit by “making, using, importing, offering for sale and/or selling” products or services implementing HDFS. (D.I. 1 at ¶¶ 12–13, 18, 23.) Morgan Stanley is a Cloudera customer and uses Cloudera software products implementing HDFS. Morgan Stanley is not involved in the design or development of Cloudera’s software products; nor does it use HDFS software other than that supplied by Cloudera. *See* Declaration of Gary Bhattacharjee, filed herewith.

Thus, Morgan Stanley has identified in its disclosures under Paragraph 4(b) of the District of Delaware Default Standard only Cloudera’s HDFS software. (Ex. A.) And in its

May 25, 2013 Paragraph 4(c) initial infringement contentions in this case, Parallel Iron has identified only Cloudera's HDFS software as infringing the patents-in-suit. (Excerpts attached as Ex. B.) The patents asserted by Parallel Iron in C.A. No. 13-443-RGA are identical to the patents asserted here. Therefore, for the reasons stated in the Customer Defendants' Opening Brief (C.A. No. 13-443-RGA, D.I. 22), Morgan Stanley respectfully requests that the Court stay this action pending the final resolution of Parallel Iron's claims against Cloudera.

Pursuant to D. Del. LR 7.1.1, counsel for Morgan Stanley states that it has conferred with counsel for Parallel Iron, and that Parallel Iron opposes this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on June 27, 2013, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on June 27, 2013, the attached document was Electronically Mailed to the following person(s):

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